

Application No.: 09/575,410
Amendment

R E M A R K S

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested. Claims 1, 14 and 21 have been amended, no claims have been canceled, and claims 22-24 have been added. Therefore, claims 1-24 are pending in the application.

Claim Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,270,011 to Gottfried ("Gottfried") in view of U.S. Patent No. 5,815,252 to Price-Francis ("Price-Francis"). Applicant respectfully traverses these rejections.

Applicant has amended independent claim 1 in order to clarify the distinctions between that claim and the Gottfried and Price-Francis references. Specifically, the claim has been amended to recite randomly selecting which fingerprints will be requested "by using a fingerprint numbering scheme designated by a user". This amendment is supported by Applicant's specification, which for example states:

"FIG. 3 is a table illustrating several example fingerprint numbering schemes that may be used in the set-up process shown in FIG. 2;"
(Applicant's specification, page 3, lines 28-30).

"Then in step 214 the user designates which of his or her fingerprints correspond to the fingerprint numbers F_1, F_2, F_3, F_4, F_5 . This allows the transaction server 104 to request any fingerprint randomly from fingerprints F_1, F_2, F_3, F_4, F_5 , which reduces the likelihood of fraud because it is preferred that only the user know which specific fingerprints correspond to fingerprints F_1, F_2, F_3, F_4, F_5 .

FIG. 3 shows several example schemes which illustrate how a user might designate numbers for his or her fingerprints."
(Applicant's specification, page 7, lines 13-22).

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Therefore, instead of requesting fingerprints by stating "right ring finger" or "left pinky finger", the user is permitted to designate any fingerprints he or she chooses as fingerprints F_1 , F_2 , F_3 , etc. The use of a fingerprint numbering scheme designated by the user is advantageous because only the user will know which specific fingerprints correspond to the fingerprint numbers, which helps reduce fraud. Applicant has amended independent claim 14 in a similar manner as claim 1.

The Examiner acknowledges that Gottfried does not disclose randomly selecting which fingerprints will be requested, and so the Examiner relies on Price-Francis as allegedly disclosing this limitation. Applicant submits, however, that Price-Francis does not disclose or suggest randomly selecting which fingerprints will be requested "by using a fingerprint numbering scheme designated by a user", as is now recited in Applicant's claim 1. Namely, Applicant is unable to find anything in Price-Francis that discloses or suggests the use of a fingerprint numbering scheme designated by a user.

In contrast, Price-Francis relies on the standard method of designating fingers. Specifically, Price-Francis states:

"The PU 37 can display the scanned fingerprint 65, along with the directive 51 indicating which finger is to be/has been scanned, as shown in FIG. 4."
(Price-Francis, col. 6, lines 27-30).

Fig. 4 of Price-Francis shows that the directive 51 states please place your "right ring finger" on the scanner. This is quite different than a fingerprint numbering scheme designated by a user, as is now recited in Applicant's claim 1. As such, Applicant submits that the rejections of Applicant's amended independent claim 1, as well as amended independent claim 14, should be withdrawn.

Applicant submits that the rejection of Applicant's

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original, unamended independent claim 8 should also be withdrawn for reasons similar to as discussed above. Specifically, claim 8 recites "assigning a number to each entered fingerprint that is consistent with a number intended by a user who entered the fingerprints" and "storing the received fingerprint data and assigned numbers in a database". In this way, a user can designate the numbering scheme for the fingerprints as described above. Again, Price-Francis does not disclose or suggest the use of a fingerprint numbering scheme designated by a user. Instead, Price-Francis relies on the standard method of designating fingers, i.e., "right ring finger". Therefore, Applicant submits that the rejection of Applicant's independent claim 8 should be withdrawn. This reasoning also applies to Applicant's dependent claim 21, which has been amended to be consistent with amended independent claim 14.

Finally, the rejections of claims 2-7, 9-13 and 15-21 should also be withdrawn for at least the above reasons due to their dependence on their respective independent claims.

New Claims 22-24

Applicant has added three new dependent claims. Claim 22, which depends on claim 1, recites "wherein the fingerprint data stored in the database comprises more than ten fingerprints stored for the user." This claim is supported by Applicant's specification, which states:

"While a user will normally designate the total number N_T of fingerprints to be between 0 and 10, example scheme F [in FIG. 3] illustrates that it is possible to designate the total number N_T of fingerprints to be more than 10. Specifically, in example scheme F the user designates the total number N_T of fingerprints on file to be 14. The user designates fingers of both the right and left hands as these 14 fingerprints, with 4 of the fingerprints

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being used twice."
(Applicant's specification, page 8, lines 8-16).

New claims 23 and 24 are similar and depend on claims 8 and 14, respectively. Applicant submits that new claims 22-24 are allowable for at least the reasons provided above for claim 1 due to their dependence on their respective independent claims.

Furthermore, Applicant submits that Price-Francis does not disclose or suggest the limitations of new claims 22-24. Namely, Price-Francis does not disclose that more than ten fingerprints can be stored for the user. This is evident in the following statement in Price-Francis:

"Any number of fingerprints may be chosen for scanning from one to all five fingers on each hand."
(Price-Francis, col. 4, lines 58-59).

In other words, Price-Francis states that the upper limit to the number of fingerprints that may be scanned is all five fingers of each hand, which is a total of only ten fingerprints. Therefore, Price-Francis does not disclose "wherein the fingerprint data stored in the database comprises more than ten fingerprints stored for the user", as is recited or similarly recited in new claims 22-24. As such, new claims 22-24 are allowable over Gottfried in view of Price-Francis.

Fees Believed to be Due

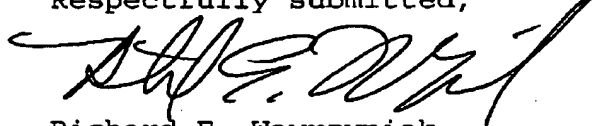
When this application was filed a fee was paid for a total of 21 claims with 3 claims being independent claims. The above amendment has resulted in there being a total of 24 claims with 3 claims being independent claims. Therefore, a fee is now due for 3 extra dependent claims. A Fee Transmittal is included herewith to cover this fee.

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C O N C L U S I O N

In view of the above, Applicant submits that the pending claims are in condition for allowance. Should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Richard E. Wawrzyniak at (858)552-1311 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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Dated 3/3/04

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